

REMARKS

Claims 1-17 are pending in this application. Of these, claims 1-6 have been canceled, and claims 7, 9-11, 13, 15 and 17 have been amended.

The Examiner's allowance of claims 7 and 8 is acknowledged and appreciated.

Claims 1-3, 5-6, 9 and 10 stand rejected under 35 U.S.C. §103 (a) as being unpatentable over Hirokane et al., alone or in view with other references. Claims 1-6 have been canceled, thus making the rejection moot with respect to these claims. Claims 9 and 10 have been amended to recite that the mask layer has a higher Curie temperature than that of recording, reproducing and intermediate layers, which features the Examiner has indicated are allowable with respect to claim 7. Accordingly, claims 9 and 10 are also believed to be allowable.

Claims 11 and 13-17 stand provisionally rejected under the doctrine of obviousness-type double patenting as being unpatentable over claims 1, 2 and 4-6 of co-pending Application No. 09/809,475. Claim 11 has also been amended to recite that the Curie temperature of the mask layer is greater than that of the recording, reproducing and reproduction layers, as recited in allowed claim 7. As such, claim 11 and its dependent claims 13-17 are now also believed to be allowable. Withdrawal of the rejection is respectfully requested.

For all of the above reasons, Applicants request reconsideration and allowance of the claimed invention. The Examiner should contact Applicants' undersigned attorney if a telephone conference would expedite prosecution.

Respectfully submitted,

GREER, BURNS & CRAIN, LTD.

By



B. Joe Kim

Registration No. 41,895

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300 South Wacker Drive -Suite 2500

Chicago, Illinois 60606

Telephone: (312) 360-0080

Facsimile: (312) 360-9315

Customer Number 24978

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